

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Ernest Guerrier

Date of Previous Judgment: June 22, 1998
(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 4:97-CR-47-1H) USM No: 17561-056) Thomas P. McNamara

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 163 months is reduced to 126 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>33</u>	Amended Offense Level:	<u>31</u>
Criminal History Category:	<u>IV</u>	Criminal History Category:	<u>IV</u>
Previous Guideline Range:	<u>188</u> to <u>235</u> months	Amended Guideline Range:	<u>151</u> to <u>188</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain):

III. ADDITIONAL COMMENTS

Pursuant to 5G1.3(b)(1), the defendant received credit for 25 months served in state custody on a related offense. A 25-month reduction from the sentencing range results in a sentence of 126 months.

*If this sentence exceeds the amount of time the defendant has already served, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendants.

Except as provided above, all provisions of the judgment dated June 22, 1998 shall remain in effect.

IT IS SO ORDERED.

Order Date:

3/3/08


Judge's signature

Effective Date:

(if different from Order Date) Case# 4:97-cr-0047-H Document 39 Filed 03/03/08 Page 1 of 1